

Carter Asks Hill for a Wiretap Bill

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President Carter asked Congress yesterday to enact legislation that would require the government to obtain a warrant from a judge before it could engage in wiretapping or other electronic surveillance of foreign intelligence activities within the United States.

The measure, modified from an earlier draft version largely to meet objections from congressional liberals, rejects the disputed doctrine of "inherent presidential power" to au-

thorize wiretapping in foreign intelligence cases without a judicial warrant.

Flanked by several members of Congress, including the bill's two chief sponsors, Sen. Edward M. Kennedy (D-Mass.) and House Judiciary Committee Chairman Peter W. Rodino Jr. (D-N.J.), the President said the legislation would resolve an "inherent conflict" between national security needs and the rights of citizens.

"I think we will have a mechanism in the future whereby our country's security can be preserved, adequate

intelligence can be derived and the rights of our citizens and also foreigners in our country can be preserved," he said during a ceremony in the White House Rose Garden.

There was warm praise from the congressional delegation for the administration proposal, but some members also cautioned that the bill is not entirely satisfactory and undoubtedly will be altered by Congress.

Kennedy, in a statement accompanying his introduction of the bill in

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the Senate, cited several "serious reservations" that were also voiced by others.

Chief among these is a provision of the bill that would allow wiretaps under a so-called "noncriminal standard," as well as cases in which the target of a wiretap is suspected of engaging in espionage, sabotage or terrorism in violation of U.S. law.

The noncriminal standard would involve cases in which the target is al-

leged to be engaged in clandestine activities that are harmful to the security of the United States.

It was one of the provisions that was modified to meet earlier objections, but its existence in the bill still produced questions and complaints from Kennedy, the American Civil Liberties Union and others who argue that wiretaps should be authorized only when criminal activity is suspected.

Other objections to the bill included complaints that it would afford less protection to foreign visitors than to U.S. citizens and permanent resident

aliens, and that it would still allow, without a warrant, electronic surveillance of American citizens who are outside the United States.

The Carter administration has pledged to develop separate legislation dealing with surveillance of Americans abroad. However, Sen. Birch Bayh (D-Ind.), chairman of the Rights of Americans Subcommittee of the Senate Intelligence Committee, said he may attempt to add such a provision to the bill that was introduced yesterday.

The measure is an attempt to deal with the widespread governmental agency abuses of electronic surveillance authority that have been revealed in recent years.

In 1972, the Supreme Court ruled that a warrant is required for wiretaps in security cases involving a purely domestic threat. But it left unanswered the question of whether the President's "inherent powers" allow the use of warrantless wiretaps of foreign intelligence activities.

Under the legislation proposed yesterday, electronic surveillance in such cases would require a warrant from one of seven U.S. District Court judges designated by the Chief Justice to hear wiretap applications. Denials of applications could be appealed to a special three-judge review court and the Supreme Court.

When the target is a U.S. citizen or a permanent resident alien, the warrant would be good for 90 days, and the judge issuing it would be empowered to review government claims

that electronic surveillance was necessary for national security purposes in the particular case.

When the target is a person under the acknowledged direction or control of a foreign government—for example embassy personnel—the warrant would be for up to one year and there would be no power to review the underlying claims of its necessity.

Last year, the Ford administration proposed similar legislation. It was approved by wide margins by the Senate Judiciary and Intelligence committees, but Congress adjourned before the Senate acted on it.